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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-752

11 **PAMELA SUE TANNER, AKA PAMELA**
12 **HOFEDT TANNER**
13 **RR 3, Box 3249**
14 **Naples, TX 75568**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

13 **P O Box 155**
14 **Marietta, TX 75566-0155**

15 **Registered Nurse License No. 646679**

16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about June 20, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official
19 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs, filed Accusation No. 2012-752 against Pamela Sue Tanner, aka Pamela Hofedt
21 Tanner before the Board of Registered Nursing.

22 2. On or about October 20, 2004, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License No. 646679 to Pamela Sue Tanner, aka Pamela Hofedt Tanner
24 ("Respondent.") The Registered Nurse License expired on October 31, 2006, and has not been
25 renewed. Pursuant to Business and Professions Code ("Code") section 2764, the expiration of
26 Respondent's license does not deprive the Board of jurisdiction to proceed with this disciplinary
27 proceeding or to render a decision imposing discipline on the license.
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1 3. On or about June 20, 2012, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 2012-752, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
5 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
6 of record with the Board was and is:

7 **RR 3, Box 3249**
8 **Naples, TX 75568.**

9 4. On or about June 20, 2012, Respondent was served by Certified and First Class Mail
10 copies of the Accusation No. 2012-752, Statement to Respondent, Notice of Defense, Request for
11 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
12 the following address :

13 **P.O. Box 155**
14 **Marietta, TX 75566-0155.**

15 5. Service of the Accusation was effective as a matter of law under the provisions of
16 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

17 6. On or about June 28, 2012, the signed domestic return receipt for the documents
18 served at the Marietta address was returned indicating a delivery date of June 26, 2012. The
19 documents served via First Class Mail on the Marietta address were not returned as undeliverable.
20 On June 23, 2012, the documents served via Certified Mail to the Naples address, were returned
21 as undeliverable because no such number exists. On June 28, 2012, the documents served via
22 First Class Mail at the Naples address, were returned as undeliverable because no such number
23 exists.

24 7. Government Code section 11506 states, in pertinent part:

25 (c) The respondent shall be entitled to a hearing on the merits if the respondent
26 files a notice of defense, and the notice shall be deemed a specific denial of all parts
27 of the accusation not expressly admitted. Failure to file a notice of defense shall
28 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-752.

9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-752, finds that the charges and allegations in Accusation No. 2012-752, are separately and severally, found to be true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$910.00 as of August 29, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Pamela Sue Tanner, aka Pamela Hofedt Tanner has subjected her Registered Nurse License No. 646679 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

4. **Disciplinary Action by the Texas Board of Nursing.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was disciplined by the Texas Board of Nursing ("Texas Board"). On or about May 10, 2011, pursuant to the Agreed Order issued by the

1 Texas Board, in the disciplinary action *In the Matter of Nurse Licensure Compact Privilege*
2 *Associated with South Dakota Registered Nurse License Number R031983 Issued to Pamela Su*
3 *Tanner*, the Texas Board issued Respondent a warning with stipulations. Among the stipulations
4 imposed on Respondent's license were that Respondent successfully complete continuing
5 education coursework in the subject areas of standards of practice, documentation of care,
6 principles of nursing ethics, and substance dependency. Respondent is required to work a
7 minimum of sixty-four hours per month as a resisted nurse. Further, Respondent is required to
8 notify all employers of the disciplinary Order, as well as be supervised by a registered nurse at all
9 times. The basis for the Order is as follows:

10 a. On or about May 30, 2010 through May 31, 2010, while utilizing
11 Respondent's nurse licensure compact privilege associated with her license to practice
12 professional nursing in the State of South Dakota, and employed with Legacy Hospice,
13 Longview, Texas, Respondent failed to respond to repeated calls for assistance from the family of
14 patient L.D., and failed to contact appropriate personnel employed with Legacy Hospital to assist
15 patient L.D. at the time of and during patient L.D.'s demise.

16 b. On or about May 20, 2010, Respondent failed to document in patient
17 L.D.'s medication administration record, that patient L.D. had been prescribed Roxanol 20mg/ml
18 by Doctor Bullar.

19 c. On or between May 20, 2010 through May 27, 2010, Respondent failed to
20 ensure Patient L.D.'s pain relief medications were accessible to care-givers for use as prescribed
21 resulting in patient L.D. not receiving the pain medication when needed.

22 5. **Disciplinary Action by the South Dakota Board of Nursing.** Respondent is
23 subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of
24 unprofessional conduct in that Respondent's registered nurse license was disciplined by the South
25 Dakota Board of Nursing ("South Dakota Board"). On or about December 1, 2011, pursuant to
26 the Order Adopting the Texas Board of Nursing's Agreed Order on Licensee's Compact Privilege
27 issued by the South Dakota Board, in the disciplinary action *Pamela Sue Tanner, R.N., License*
28 *No. R-031983*, the South Dakota Board adopted the Agreed Order issued by the Texas Board as if

1 issued in South Dakota and then issued Respondent a probationary single-state license with no
2 multi-state privilege with the express exception of the State of Texas.

3 **6. Disciplinary Action by the Louisiana State Board of Nursing.** Respondent is
4 subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of
5 unprofessional conduct in that Respondent's registered nurse license was disciplined by the
6 Louisiana State Board of Nursing ("Louisiana Board"). On or about December 16, 2003, pursuant
7 to the Consent Order, issued by the Louisiana Board, in the disciplinary action entitled *In the*
8 *Matter of: Pamela Hofeldt Tanner, 9004 Letha Lane, Shreveport, LA 71118*, the Louisiana Board
9 issued Respondent a public letter of reprimand. The basis for the Order is as follows:

10 a. On or about September 25, 2003, Respondent applied for licensure with the
11 Louisiana Board by endorsement. She falsified her application when she answered "No" to the
12 question, "Have you ever been arrested, charged with, convicted of, pled guilty or no contest to,
13 or been sentenced for any criminal offense in any state or country." A review of Respondent's
14 criminal history revealed that on November 17, 1987, Respondent was convicted of possession of
15 a controlled substance and was sentenced to five years probation, fifteen days jail, and fined.

16 **7. Unprofessional Conduct.** Respondent is subject to disciplinary action under Code
17 section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The
18 conduct is more particularly described in paragraphs 4, subparagraphs (a) through (c), 5, and 6,
19 subparagraph (a), inclusive, above, and herein incorporated by reference.

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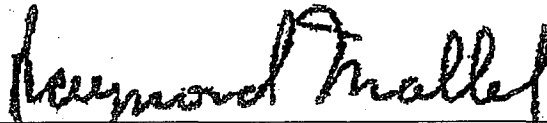
ORDER

IT IS SO ORDERED that Registered Nurse License No. 646679, heretofore issued to Respondent Pamela Sue Tanner, aka Pamela Hofedt Tanner, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 11, 2013.

It is so ORDERED December 12, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51156206.DOC
DOJ Matter ID:LA2012506926

Exhibit A

Accusation Case No. 2012-752

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2 KAREN B. CHAPPELLE
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Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-752**

11 **PAMELA SUE TANNER, AKA PAMELA**
12 **HOFEDT TANNER**
13 **RR 3, Box 3249**
Naples, TX 75568

ACCUSATION

14 **Registered Nurse License No. 646679**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about October 20, 2004, the Board of Registered Nursing issued Registered
23 Nurse License Number 646679 to Pamela Sue Tanner, aka Pamela Hofeldt Tanner
24 ("Respondent"). The Registered Nurse License expired on October 31, 2006, and has not been
25 renewed.

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1 8. Section 2811, subdivision (b) of the Code provides:

2 "Each such license not renewed in accordance with this
3 section shall expire but may within a period of eight years thereafter
4 be reinstated upon payment of the biennial renewal fee and penalty
5 fee required by this chapter and upon submission of such proof of
6 the applicant's qualifications as may be required by the board,
7 except that during such eight-year period no examination shall be
8 required as a condition for the reinstatement of any such expired
9 license which has lapsed solely by reason of nonpayment of the
10 renewal fee. After the expiration of such eight-year period the board
11 may require as a condition of reinstatement that the applicant pass
12 such examination as it deems necessary to determine his present
13 fitness to resume the practice of professional nursing."

14 **REGULATORY PROVISIONS**

15 9. California Code of Regulations, title 16, section, 1419.3 provides:

16 "In the event a licensee does not renew his/her license as provided
17 in Section 2811 of the code, the license expires. A licensee
18 renewing pursuant to this section shall furnish a full set of
19 fingerprints as required by and set out in section 1419(b) as a
20 condition of renewal.

21 (a) A licensee may renew a license that has not been expired for
22 more than eight years by paying the renewal and penalty fees as
23 specified in Section 1417 and providing evidence of 30 hours of
24 continuing education taken within the prior two-year period.

25 (b) A licensee may renew a license that has been expired for more
26 than eight years by paying the renewal and penalty fees specified in
27 Section 1417 and providing evidence that he or she holds a current
28 valid active and clear registered nurse license in another state, a
 United States territory, or Canada, or by passing the Board's current
 examination for licensure."

COST RECOVERY

10 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Disciplinary Action by the Texas Board of Nursing)

3 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was
5 disciplined by the Texas Board of Nursing ("Texas Board").

6 12. On or about May 10, 2011, pursuant to the Agreed Order issued by the Texas
7 Board, in the disciplinary action *In the Matter of Nurse Licensure Compact Privilege Associated*
8 *with South Dakota Registered Nurse License Number R031983 Issued to Pamela Su Tanner*, the
9 Texas Board issued Respondent a warning with stipulations. Among the stipulations imposed on
10 Respondent's license were that Respondent successfully complete continuing education
11 coursework in the subject areas of standards of practice, documentation of care, principles of
12 nursing ethics, and substance dependency. Respondent is required to work a minimum of sixty-
13 four hours per month as a resisted nurse. Further, Respondent is required to notify all employers
14 of the disciplinary Order, as well as be supervised by a registered nurse at all times. The basis for
15 the Order is as follows:

16 a. On or about May 30, 2010 through May 31, 2010, while utilizing
17 Respondent's nurse licensure compact privilege associated with her license to practice
18 professional nursing in the State of South Dakota, and employed with Legacy Hospice,
19 Longview, Texas, Respondent failed to respond to repeated calls for assistance from the family of
20 patient L.D., and failed to contact appropriate personnel employed with Legacy Hospital to assist
21 patient L.D. at the time of and during patient L.D.'s demise.

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23 L.D.'s medication administration record, that patient L.D. had been prescribed Roxanol 20mg/ml
24 by Doctor Bullar.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 17. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
5 particularly described in paragraphs 12, subparagraphs (a) through (c), 14, and 16, subparagraph
6 (a), inclusive, above, and herein incorporated by reference.

7 PRAYER

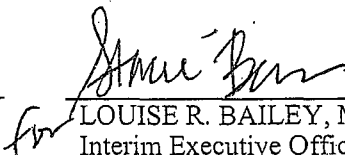
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 646679, issued to Pamela
11 Sue Tanner, aka Pamela Hofeldt Tanner;

12 2. Ordering Pamela Sue Tanner, aka Pamela Hofeldt Tanner to pay the Board of
13 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
14 pursuant to Business and Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.
16
17

18 DATED: June 20, 2012

19 for  LOUISE R. BAILEY, M.ED., RN
20 Interim Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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